

**Gallatin County Interim Zoning Task Force  
Minutes for April 8, 2009**

**Date:** April 8, 2009

**Time:** 7:30AM

- Place: Belgrade City Hall, 91 E. Central

**Task Force Members Present:** Don Seifert, Shane Skinner, Dick Huttinga; Rich Morse; Ron Pike; Sandy Lee; Alvin Vander Vos; Jackie Flikkema

**Task Force Members Excused Absent:** Drew Jenkins

**County Staff/Personnel Present:** Jason Karp, Heidi Jensen, Tom Rogers

**County Commissioners Present:** None

**Public Present:** Carol Roark, Jerry Rice

---

**Chairman Seifert opened the meeting at 7:34AM.**

**Public comment on non-agenda items: No Public Comment**

**Minutes approved from March 25, 2009**

**Agenda Item 1:**

Don changed the agenda so that HB 678 would be read at the end. Don asked Rich to start the discussion. Jerry, Rich and Don met on Tuesday to talk more about classification. There was no more put in writing at that time. They had a good discussion about 0-20 pits and above. They are not sure about 0-10 or 10-20 timeline. Rich thinks they are trying to simplify it so that it is easier for the public and the county to understand. Ron thinks that simplification is best. Don talked about permit creep, and how that needs to be addressed since the neighbors have expressed such concern. Dick does not think that permits will ever be reviewed again. From the neighbors perspective they are still working on it and it is going someplace. Use some of the mitigation on the pit to be left undone, so it may not be one of the best things to encourage an operator to do a shorter-term pit.

Don moves to item B. Dick does not even think we should discuss rolling reclamation, he believes it is only the concern of the operator. If the neighbors are allowed to dictate when operation occurs then a shovel of dirt will not be overturned. Don does not think perhaps the language rolling reclamation is correct, could be called plan of operation. Such as dictating where a pit will start and how much at a time. The way he foresees it as something that will be totally mandated by the county. Jackie thinks that DEQ should be



left alone and allowed to do their review. Ron talked about the TMC Belgrade pit, and rolling reclamation on the interstate. Now the public can see in and there are weeds that have to be addressed. Half the pit is reclaimed and everyone is a critic. However you go up to the Story pit and everything is different. Don talked about DEQ's review of a plan of operation. Ron asked Carol what she thought. Carol was upset over the NUSS pit starting in the middle and then spreading out. She would rather have seen starting at one end and then moving to another. Jackie doesn't think that is feasible for every property owner and operation. Jackie talked about property rights. Tom referred to site specific cases. He talked about property rights, and how that ultimately effects the greater neighborhood is not theirs. Operations that do not enter the groundwater are very different than not. He is almost on the same side as Dick.

Don thought maybe we were talking about two things, coordination with the DEQ and the county and berming. Reclamation plan could have considered leaving a berm. Rich talked about a burden on the operation, instead an option to make it easier. Jackie said Carol doesn't care about the operation but rather the mitigation impacts. She would rather work on good neighbor impacts and mitigation instead of operations. Rich thought the idea would be to come up with a mitigation measure that could be negotiated. The Commission could use mitigation measures such as dust control etc., or rolling reclamation. Jackie said she did not believe that any of the operators in the room would agree. She wouldn't think that an operator would want to be close to homes. Don said lets not use the term rolling reclamation, to drive how the pit was operated, let's call it a plan of operation. Group discussion.

Tom mentioned Don's speech of rolling operation instead of calling it rolling reclamation. He thought there might be some place for some suggestions to DEQ to look at within our report. Don asked if the Good Neighbor Policies could include some direction for operators. Tom thought it was a tricky question but as Heidi mentioned earlier that in some places a PUD process could be used as an incentive. As Jackie mentioned earlier there is nothing the operator would like more than to get away from the property owner. Don asked if there was a way to put general guidelines in place and to be able to move those guidelines on a per site per application basis? Tom thought that the TF could set up goals; policies could be underneath that. One could be to mitigate non-compatible use conflict. Year one, we start next to neighbors and move away. Jackie asked if that was what the Commission tasked us to do to begin with? She would rather work on those then continue to go on drafting policies as we have been. Ron talked about how they don't get their DEQ permit until the county signs off first. Tom mentioned the Gallatin County Growth Policy and how it is there to use. Don thinks they have, and if the Growth Policy document as an umbrella? No, they are already done, with the Interim Regs. Rich agreed the Interim Regs. provide a framework for guiding and could take a lot of that and be more specific. If the classification system could be worked out and add that to the Interim Regs, and give that to the Commission.

Jackie was concerned we were going in circles and missing the objective that was directed to us from the Commission. It was a group discussion. The TF was read again the objectives from the resolution A-F so as to keep the group moving. Rich thought we



were on letter D and that we were moving forward and that we were where we needed to be. He thought we needed to come up with strategies for future permits to be approved with reasonable conditions placed upon them, in a timely manner. Don asked about the hierarchy of zoning regulations. Heidi talked about the differences between a Growth Policy, Subdivision Regulations, Zoning Regulations, City Regulations and how they differentiate and have too. Don thinks we need to have goals and policies. Such as the goal needs to be too mitigated but the policy is to regulate it on a site by site basis. Ron does not think that if we regulate something below the state standard it won't fly. Group discussion about how we aren't going to regulate above the state. Ron wants the state be left to regulate what they want. Jackie thought we are again trying to be too concise. Don didn't think so. Jackie wants every pit to be evaluated on its own basis not put into a form. What Don thinks we need to do is move from page 6 to page 2 of Interim Regs, purposes and intent (section 3).

Don wants to address Section 3 and determine if these need to be broken down more, or separate categories. Jackie wants to look at Section 6 as well. Rich agreed with Jackie and didn't have a lot of changes in Section 3 but also looked more at Section 6 when he reviewed the document.

Next meeting Thursday April 23<sup>rd</sup>.

Don asked Ron and Carol to talk about HB 678. Carol said the three main sections were the funding of DEQ personnel, provides for notification for meetings and the third thing is it provides for a new system that would permit a pit in 55-days a non-controversial pit, and more confrontational pit permitting could be extended. Jackie talked about SB 370 the funding bill is on the floor today.